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## FROM CLOISTER TO COURT

### *Nuns and the Gendered Culture of Disputing in Early Modern France*

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*This article examines how limited access to the courts and gendered norms of behavior combined to shape early modern women's strategies to pursue and resolve disputes. It describes the decades-long conflict that troubled the Franciscan convent of Sainte-Catherine-lès-Provins in Provins, France. Divided over the issue of reform that would impose stricter enclosure, the community became factionalized and unable to resolve its disputes internally. But access to France's civil courts was limited by the women's ecclesiastical status. Episcopal visitation records permit us to see how gender was implicated in the ways women pursued their grievances with one another behind cloister walls, and in how they shaped those grievances into legal suits civil judges would adjudicate.*

Was it permissible for a nun to file a lawsuit? This was one of the many questions that the prolific seventeenth-century clergyman Jean-Baptiste Thiers posed in his 1681 *Treatise on the Cloister of Nuns*. Thiers was both grumpy and litigious in defense of his own privileges as a clergyman, but his work voiced little support for those female members of France's first estate who sought to protect their rights through the legal system. He rehearsed canon law to support his argument that it was a sinful violation of a nun's solemn vows to plead at law. Sometimes, he admitted, it might be necessary for monastics to go to court to "defend themselves against the injustices and violence others do to them." But in that case, they hired legal representation and did the necessary from afar, as discreetly as possible. On the basis of his survey of the authorities, Thiers concluded that pleading was unseemly for women, and particularly so for religious women. Nuns had "renounced themselves in renouncing the world" and what was a lawsuit but a reassertion of their selves in pursuit of worldly matters?<sup>1</sup>

However unseemly Thiers might have thought it, recent research on early modern Europe has demonstrated that its courtrooms were quite open to women as litigants. Women's ability to seek redress in the courts far exceeded what prescriptive formulas about premodern women's lack of legal competence might lead us to expect. The proportion of female litigants varied enormously from jurisdiction to jurisdiction, but in England, France, and Spain it was not uncommon for women to account for between 20 and 35 percent of litigants in courts of first instance.<sup>2</sup> The sheer number of female

litigants in early modern European courtrooms raises new questions about how gender was implicated in women's relationship to the law. Even if laws were made and courts staffed by men, it is clear that neither women's statutory incapacity nor their lack of formal legal training prevented them from strategizing around the barriers that law texts raised against them.

This is not to argue, of course, that being a woman had no impact on the experience of women as litigants. Rather, if women's ability to seek legal redress was not equivalent to men's, women's disadvantage may have arisen as much from cultural attitudes about appropriate female behavior as from statute.<sup>3</sup> As Thiers' comments suggest, women's use of the legal system was conditioned by norms of gender that determined the acceptability of women complaining, making demands, and publicly expressing their anger and enmities—activities which were (and continue to be) intrinsic parts of litigation.

How can we pinpoint how the variables of legal competence and gendered behavioral norms together shaped women's activities as litigants? This article investigates litigation as one element in a broader, gendered culture of disputing. Going to court is, after all, only one of a number of ways to seek to settle a disagreement. Historians tend to focus on the law because it leaves us records, and also because a prevailing narrative of early modern social change and state formation primes us to think of going to court as distinct from extrajudicial means of conflict resolution involving vengeance and violence. But studies of the actual practice of litigation in premodern Europe cast doubt on this framework. They have shown that far from a rational decision to seek peaceful, definitive settlement of a grievance, going to court was often merely one tactic in a broader strategy to pursue a conflict of long standing. Litigants sometimes filed their suit to harass and gain advantage over an adversary in a conflict only peripherally related to the legal question at its heart. More practically, the initiation of a lawsuit often seems to have functioned as a means to force extrajudicial negotiation, a conclusion that is buttressed by the fact that comparatively few lawsuits were ever pursued to a court decision.<sup>4</sup> Finally, in an age of shifting and overlapping legal jurisdictions and minimal police power, even when a court reached a decision its actual power to put an end to a dispute was far from assured. This complex mix of motivations for going to court proved as relevant to women as to men. A deeper understanding of women's relationship to the legal system, then, means examining the process of dispute on multiple levels. First, how gender affected women's ability to get to court, and second, what opportunities gender norms opened or closed for disputing outside the formal processes of the law.<sup>5</sup>

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This article employs an extrajudicial source to investigate a gendered culture of disputing among a group of early modern French women, specifically the thirty-three nuns of the convent of Mont-Sainte-Catherine-lès-Provins. Sainte-Catherine was a Franciscan institution founded in the thirteenth century and located just outside the walls of Provins, a small city in the Île de France, southeast of Paris. The judicial struggle that will be central here began when two nuns, Sisters Beaufort and Paris, attempted to move jurisdiction over a matter of religious discipline into France's civil courts. The sisters initiated a lawsuit in hopes it would be taken up by the judges of the Parlement of Paris, France's highest court.

Beaufort and Paris sued to appeal an ecclesiastical punishment meted out to them by the Franciscan Provincial (the male superior of their abbess, a local official of the Franciscan order). The nuns' infraction was, allegedly, that while on an authorized trip outside their convent to "take the waters" for their health they had dressed in secular garb and sung lewd songs at an inn. This conflict over a relatively insignificant disciplinary issue served merely as a pretext to get the nuns' case to court. The real question that stood behind Sisters Beaufort and Paris' punishment, as it turned out, was the legitimacy of the 1663 triennial election of the convent's abbess. Beaufort and Paris, some of their fellow nuns claimed, had received permission to travel to the spa only in return for promising their votes to the incumbent abbess, Suzanne Sauvage. Upon their return (and decision not to honor the promise) the Provincial had imposed the punishment in order to exclude them from the election. Without their votes, after a series of tied ballots, Sauvage had been re-elected by the slimmest of majorities, a margin of one vote out of thirty-three (seventeen votes to sixteen for her opponent). Some of those disappointed by the outcome of the election thus joined their sisters' litigation in protest of their punishment in the hopes of invalidating the election.

But the nuns failed in 1663 to get the Parlement to take up their case. The high court referred the women back to the courts of the archbishop of Sens, an ecclesiastical rather than royal jurisdiction. Unfortunately for the nuns, the Parlement's sidestepping not only failed to produce a settlement of the election dispute, it inflamed a confrontation over the deeply politicized question of whether jurisdiction over religious women belonged to the regular clergy (in this case, the Franciscan order and its local officials) or to the secular clergy, represented by the archbishop of Sens. Caught in this jurisdictional conflict, the nuns' attempt to resolve their dispute through litigation produced no settlement for their grievances, and indeed served to make things worse. Over the next three years the dispute at the convent became the front line in the jurisdictional war between the Franciscans and

the Jansenizing archbishop, and the nuns chose sides. By 1666 the conflict within the walls was growing increasingly hostile, and the situation degenerated towards violence.

The legal drama reached its climax in 1666–67 with the decision of one faction of Sainte-Catherine's nuns to fight against their abbess and supporters of the Franciscans. Uncertain of their ability to access the courts over the direct cause of their problems, the women launched a desperate legal appeal both to the Parlement and to an increasingly important, if informally organized tribunal: the public. They did this by secretly assuring the publication of a *factum*, or judicial memoir purportedly addressed to their judges but intended for broad public distribution. In it they charged that the Franciscans ran Sainte-Catherine as a personal brothel, seducing and sometimes physically forcing the nuns into sexual relationships with friars while simultaneously plundering the convent's treasury. The titillating *Factum pour les religieuses de Sainte-Catherine-lès-Provins contre les pères cordeliers* told a story that borrowed narrative inspiration from contemporary novels and pornography. It quickly became a sensation. The Franciscan order denounced the work as an illegal defamatory libel, and most copies of the original appear to have been seized and burned. But the *Factum* was quickly bootlegged, became a hot commodity in the clandestine book trade and earned, from the evidence of its multiple editions, a very broad readership.<sup>6</sup>

The publication of the *Factum* represented a distinct change in the nuns' legal strategy. No longer a matter of internal, ecclesiastical election rules, the nuns unhappy with the governance of their convent chose to pursue their lawsuit via a legal narrative about weak virgins needing protection from corrupt and powerful men. Indeed, the *Factum* cast the nuns of Sainte-Catherine as victims of *rapt de séduction*, the contemporary crime denoting the suborning of a minor into a sexual relationship to which she or he has no authority to consent. *Rapt de séduction* threatened the principle of patriarchal control over the marriage of minor children, a preoccupation of French judges during this period of state formation.<sup>7</sup> Although many of the nuns were in their forties and fifties, the *Factum* depicted them as analogically similar to the judges' unmarried daughters: their legal case, it said "is a question of obtaining for a large number of unmarried women [*filles*] consecrated to God what would never be refused to women in the world who had been kidnapped from the hands of their fathers, and who were imploring the aid of the law to be delivered ... from those who made such insolent attempts against their honor."<sup>8</sup> In other words, although the dispute at Sainte-Catherine remained largely the same, the terms of its representation in the legal realm had been drastically changed. By reframing the conflict

about convent governance as a matter of public scandal and an instance of regular clergymen under the authority of the Pope sexually victimizing French women, the *Factum pour les religieuses de Sainte-Catherine-lès-Provins* recast the dispute in terms that became far more compelling to the royal courts and the monarchical government.

As what follows will show, both the failed lawsuit of 1663 and the all-too successful factum of 1667 misrepresented the conflict within the convent. By the time the dispute erupted into these public forms, Sainte-Catherine's women had been involved in a generation-long dispute over the direction of reform in their convent. We can learn about this dispute outside the legal sphere because after the Parlement sent the case to the archbishop of Sens, Louis-Henry de Gondrin, the prelate determined to investigate the troubles at Sainte-Catherine by undertaking an ecclesiastical visitation. Over several days in September 1664, he conducted interviews with the convent's nuns. In the presence of a scribe, he asked them a series of questions about what had given rise to the recent litigation, and the nuns responded with information about disputes and infractions against the rules dating back over thirty years.<sup>9</sup>

Covering more than one hundred and fifty manuscript pages, Gondrin's interviews provide us a wealth of information about life in the convent. And because we know the nuns went to court, they are likely to remind us of legal testimony. However, it is important to note that the nuns understood the ecclesiastical visitation as an occasion for dispute settlement distinct from the legal process. In 1664, they spoke to the archbishop believing that the visitation might heal their internal rift without further recourse to the courts. Many of the nuns clearly hoped that Gondrin could be the arbiter to help them finally resolve their differences, and some told their stories quite openly with that hope in mind.

Use of this document requires significant caution, however. The nuns' interactions with Gondrin were in no way transparent, as the convent was factionalized long before Gondrin's arrival. Those nuns who sought reform were eager to catalogue the community's rifts, failures, and lapses against discipline. Those nuns loyal to the Franciscan hierarchy, on the other hand, did not accept Gondrin's jurisdiction over them and considered his questions illicit meddling that undermined their privileged position as Franciscans. Not wanting to accept his claims to authority over them, they cooperated only grudgingly—although they did respect his authority enough at this point to answer his questions. For his part, Gondrin no doubt sought to restore the peace inside the convent and to provide clerical guidance, but he was likely also interested in gaining information that would buttress his legal claim to jurisdictional authority over the women. His inquiries about

nuns' illicitly intimate friendships with male Franciscans, useful to undermine his adversaries, were likely asked with this purpose in mind. For what it is worth, the nuns at Sainte-Catherine revealed that such relationships existed. Their stories allude to relationships that ran the gamut from intense spiritual friendship to coerced sex. They leave little doubt that the explosive stories of nuns' sexual relationships with Franciscan confessors or officials that would become public in the *Factum* of 1667 were, at one level, stories told by the women and not simply the fantasies of male superiors.

Yet what is most notable about the interviews is that in contrast to the storyline of the *Factum*, which would prove irresistibly compelling to judges and lay readers, offenses against the monastic vow of celibacy did not, from the women's perspective, constitute the convent's most serious troubles. The nuns themselves were more disturbed by the complete breakdown of relations between women in the convent, a situation that they blamed variously on the abbess's pride, Franciscan incompetence, or on the intriguing of a certain faction of high-born choir nuns. Suzanne Gaultier, a professed nun for thirty years, complained that Sainte-Catherine witnessed only "a shadow of the religious life."<sup>10</sup> Anne Langlois, twenty-one years after her profession, characterized the house as lacking "Christianity" itself.<sup>11</sup> The depth and bitterness of the disputes the women revealed to Gondrin are markedly different from the way the conflict was framed when it finally came before the tribunal of public opinion.

### Monastic Reform, Convents, and the Law

The backdrop to the dispute at Sainte-Catherine was the upheaval caused by monastic reform after the Council of Trent (1545–63). In the Council's aftermath, ecclesiastical reformers, both men and women, sought to make the reality of nuns' lives conform more exactly to the image of perfection that had inspired the Catholic faithful for centuries. For female communities, reform typically meant a renewed commitment to the discipline and ideals prescribed by the community's original rule. In an effort to wrest control over monastic communities from the grip of powerful families or princes who often claimed the right to name their leadership, reform usually meant the replacement of life tenures for abbesses with a system of triennial election. In addition—even if the foundation of the institution had not originally mandated it—Post-Tridentine reform prescribed cloister, that is the isolation of religious women within the walls of the convent accompanied by regulations that strictly limited the women's contacts with outsiders.

The reform movement has often been considered emblematic of the increasingly patriarchal ethos of social order typical of early modern Europe.



From this perspective, reform has been characterized as an imposition by men designed to control women and in particular to police their sexuality. The result of reform and enclosure was that religious women became more dependent on the male authorities—especially local bishops—whom the Council endowed with authority to control access to the cloister and to discipline nuns.<sup>12</sup> This interpretation tends to discount the abundant evidence of female agency within the reform movement. As historians of religious women now stress, many nuns embraced enclosure. They did so, first, as an expression of sacrifice that was meaningful in the context of the Catholic Reformation's penitential piety. Enclosure could also become attractive to nuns for the way it confirmed their purity, authority, and status within the wider community of the faithful.<sup>13</sup>

From religious women's perspective, then, convent reform entailed both sacrifices and opportunities, a recognition that encourages historians to shift their focus towards the politics of life inside the walls. Some of the women there had chosen the religious life for spiritual reasons, while others had likely been placed there by families without vocation. For both groups of women, and for the many whose paths to the cloister fit comfortably into neither conventional story, reform meant the possibility of change in the rules according to which they would live day by day. And, it afforded many of them the opportunity to cast votes on an abbess or superior who would put reform measures in place and have the disciplinary power to police them. Although male superiors presided over convents, Sainte-Catherine's example shows that it is not inappropriate to consider the convent's female community to have functioned as a local political institution.

The reform movement set out to alter the local balance of power in significant ways. Historians suggest that enclosure transformed the social and economic condition of nuns and their status within society. Cloister limited nuns' access to friends, family, patrons, and business partners. Such changes did more than remind nuns that their primary commitment was to God; they also restructured convent economies and changed family strategies. When demands on religious women became more rigorous, and their accessibility to their natal families, diminished, reform could become very contentious. Nuns, their families, and local governments sometimes sought a means to preserve the social, financial, and spiritual status quo, even resisting reform and enclosure with violence.<sup>14</sup> Also, because the reform movement involved assertions about the boundaries that separated ecclesiastical and secular jurisdictions, convent disputes frequently became embroiled in questions of national politics. Mont-Sainte-Catherine-lès-Provins' conflict over reform was unusual only because it dragged on for a long time and ended up producing a highly publicized public scandal. Except for this fact, the

convent's problems were typical of the dilemmas that faced many female religious institutions in the reforming era after Trent.

### Politics and Dispute inside the Cloister

The archbishop's questions reveal that behind the walls of Mont-Sainte-Catherine the conflict over reform had economic, social, and spiritual aspects. No matter what side of the dispute they were on, the nuns' stories share enough common features to let us know some basic facts about the convent's problems. First, we learn that the institution was poor, and that it depended on the revenues generated by a protoindustrial cloth-bleaching operation (*blanchissage*). Sainte-Catherine's lay sisters, nuns recruited from lower social status than the so-called choir nuns, took in woven cloth from regional looms and bleached it in preparation for the next steps in production for market. This commercial venture brought strangers into the nuns' midst, including middlemen who delivered and picked up the cloth and extra female laborers necessary because the industry operated on a scale large enough that the convent's dozen or so lay sisters could not do all the work themselves. Although the archbishop of Sens and the local officials of the Franciscan order battled over jurisdiction at Sainte-Catherine, these male superiors all agreed the enterprise directly contravened Trent's requirements for cloister, and they periodically ordered the abbess to end it. Their orders went unheeded. By the mid-seventeenth century, the convent was deeply in debt to local provisioners. The bread distributed to all the nuns three times a week was not adequate to stave off hunger. The convent's poverty most directly threatened the lay sisters who could not rely on the supplemental pensions that many choir nuns received from their wealthy families. As lay sister Elizabeth Marteau explained it, the abbess tolerated the bleaching business and the expense of the firewood it required because she knew that the lay sisters depended on the meager income it generated. Without it, the lay sisters would have gone without necessities.<sup>15</sup>

The lines of division in the dispute at Sainte-Catherine were deeply marked by the hierarchical social divide between choir nuns and lay sisters. Reflecting the enthusiasm of many religious women for reform, the majority of the choir nuns at Sainte-Catherine sought stricter enclosure than they had known in the past. Their religious aspirations for this pure religious life were frustrated, they would claim to the archbishop, by their Franciscan male superiors and the current abbess, Suzanne Sauvage, who tolerated the cloth bleaching business, were unwilling to clamp down on illicit relationships between Franciscans and nuns, mismanaged the convent's finances, and permitted other unacceptable offenses against the rule. The lay sisters,



for their part, remarked on their social betters' inappropriate use of their pocket money. Lay sister Magdelaine Chaumont, for example, tattled on Sister Beaufort, claiming to have seen her wearing an amber necklace and a yellow hat from which curled bangs emerged.<sup>16</sup>

The choir nuns anticipated that reform and stricter enclosure would transform everyday social relations at Sainte-Catherine, and confirm their personal status and place within the hierarchical social order. In addition to their complaints that the *blanchissage* contravened cloister and promoted disorder, the pro-reform group of choir nuns complained loudly to the archbishop that the lay sisters acted "haughty," talked back to them "insolently," and refused to do the choir nuns' laundry and other chores.<sup>17</sup> The choir nuns evidently considered both the labor and the deference of the lay sisters to have been their due, part of the exchange they made in sacrificing a potential role as mistress of an elite household for the religious life. Reform, they believed, would correct this disorder and the choir nuns ardently pursued this more definitively hierarchical arrangement in their convent. The lay sisters, not surprisingly, remained loyal to the abbess who tolerated the bleaching business and were tepid about the prospect of a reform directed by the archbishop; the end of the cloth bleaching enterprise threatened to demote them to the more conventional role of servants to their choir nun sisters.

The lay sisters had another powerful reason to prefer the Franciscan rules they lived under to the prospect of a new reform. In an unusual state of affairs, lay sisters at Sainte-Catherine had been made voting members of the community during the Franciscan-led reform of 1636 that had inaugurated the triennial. It is likely that the lay sisters suspected that a reform led by the aristocratic prelate Louis-Henry de Gondrin would end this unusual situation, and bring Sainte-Catherine into line with other convents of the diocese (and in fact, when the archbishop wrote new rules for the convent in 1669, he did strip the lay sisters of their vote in convent affairs). While the lay sisters were always a minority, they constituted an important voting bloc. When combined with the minority of choir nuns who were loyal to the Franciscans and Abbess Sauvage, they comprised a group equal in size to the pro-enclosure group of choir nuns. Sainte-Catherine was thus divided into two equal factions with different ideas about reform, a situation that produced an intractable internal dispute that endured for decades, erupting into litigation when the dispute coincided with legal opportunity.

The nuns' descriptions of what was happening inside the cloister reveal that on a day-to-day basis, the dispute at Sainte-Catherine expressed itself in the breakdown of communal relations that were supposed to be central to religious life. While the women of Sainte-Catherine lived together in the

same buildings, they withdrew to the extent possible and spent social time in groups (the nuns referred to them as “cabals”) that, not surprisingly, resembled closely the voting factions that frustrated the efforts of either group to gain an upper hand in the longstanding quarrel over reform. Nearly all monastic rules directed that communities eat together, and we know that the act of breaking bread was, in early modern culture, deeply symbolic of social peace.<sup>18</sup> At Sainte-Catherine, the nuns did not eat together as a community; choir nun Anne Langlois reported that access to the refectory was blocked to at least some of the sisters.<sup>19</sup> The avoidance of interaction with enemies meant spotty attendance at religious services—the most important daily responsibility of the choir nuns—and even avoidance of the sacred meal, to judge by the number of nuns who reported absences at mass. Daily periods of recreation were remembered as opportunities for malicious gossip and verbal abuse of one’s enemies. Sister Genevieve Langlois noted that the sisters spent their time inventing ditties that lampooned the actions of others. Abbess Suzanne Sauvage reported that Sister Beaufort had defamed her with words so foul that the archbishop’s scribe limited himself to writing their initials in the record.<sup>20</sup>

The nuns’ ongoing dispute thus translated into a variety of daily, small cruelties and indignities affecting both sides. It found expression in litigation only sporadically, according to a schedule linked closely to the timing of elections. In part, this may be because elections gave focus to the dispute; voting can also be a means of conflict resolution. The nuns’ stories of their argument seem shaped into three-year cycles punctuated by elections. In the lead up to these triennial elections, we hear of anticipation and politicking, of both sides lobbying votes perceived as wavering. The nuns themselves considered this to be a violation of the rules; ideally, nuns were supposed to consult only their own consciences and to cast their votes according to spiritual considerations.

The decisive factor in transforming the ongoing dispute into litigation, however, was the fact that access to the civil courts was not always equally possible for the nuns. Those who had taken monastic vows were understood in French law to have incurred *mort civile* (civil death); strictly speaking, they were considered to have no property rights nor access to royal justice as individuals.<sup>21</sup> In practice, however, “civilly dead” religious could deploy a legal device known as the *appel comme d’abus* to move their cases to France’s civil courts. The *appel comme d’abus* had origins in struggles between royal and papal power in the late middle ages. It claimed for French civil courts the power to overturn the decisions of ecclesiastical courts and persons that were “abusive” to French civil jurisdiction, that part of the judicial pie that dealt with matters of earthly politics and property. Yet in this era of state

formation, the arena of civil jurisdiction grew broader as time wore on. As a result, France's highest civil courts, the Parlements, grew more likely to hear disputes between ecclesiastics that would otherwise have been handled within the religious orders or in the diocesan courts called *officialités*.

The limitations on nuns' access to royal courts clearly shaped the culture of dispute at Sainte-Catherine. The *appel comme d'abus* made it possible to appeal the convent's dispute to the Parlement, but set conditions on how the case might come under the purview of royal judges. Simply stated, the litigants needed to make a case that an abuse of ecclesiastical power had occurred. The day-to-day struggles between factions at Sainte-Catherine were matters of ecclesiastical discipline; they did not obviously rise to the level of ecclesiastical abuses that Parlements might hear. Elections, however, had more bearing on the legitimacy of authority exercised within the convent. The nuns were well aware of this fact, and as a result elections became moments to negotiate matters beyond the question of who would act as abbess. A disputed election or even one that produced an unfavorable result offered the opportunity to press the opposition via a lawsuit.

When they initiated lawsuits in order to negotiate broader disputes, the nuns at Sainte-Catherine displayed considerable savvy about their legal options. In fact, the nuns appear to have been quite knowledgeable about the workings of the law. Sister Anthoinette Flogny, for example, discussed the background to the nuns' litigation with precision. The scribe's record suggests she employed specialized legal jargon to describe the Parlement's reaction to the nuns' suit: "ce qui donna lieu à l'appel comme d'abus qu'elles s'interjetterent dont le Parlement est saisi" (that was what gave rise to the appeal *comme d'abus* they filed, which the Parlement accepted in its jurisdiction).<sup>22</sup> This is in some respects not surprising. Convents recruited heavily from the elite families who purchased venal judicial offices and staffed France's courts, so law was the family business in many of the households in which nuns grew up.<sup>23</sup>

Let us return to the fateful election of 1663, which did not produce the result the pro-reform faction had hoped. Overseen by the Franciscan Provincial, the election returned the slimmest of victories for the incumbent abbess, Sauvage, and thus for the status quo. But, the Provincial's exclusion of choir nuns Beaufort and Paris on disciplinary grounds, plus a number of other alleged procedural irregularities constituted in legal terms an "abuse" against which the pro-reform faction saw a chance for appeal in the civil courts. In the cloister as elsewhere, then, filing a lawsuit offered a wedge to change the balance of power in the midst of a longstanding dispute.

The archbishop's questioning allows us to hear stories of what happened in the convent as the nuns' case sat awaiting judicial action. Mar-

guerite le Coq de Chauvigny, the senior member of the pro-reform faction, recalled that the initiation of the suit brought down the wrath of the serving Franciscan Provincial, who promptly arrived at the convent to pressure the women to withdraw their appeal. The Provincial summoned repeated chapter meetings in which he berated and defamed the litigants in front of the community, calling them disputatious hotheads and reminding them of his authority.<sup>24</sup> She reported that the litigants were "frightened" by the Provincial's threats, but they used the potential power their lawsuit afforded them to negotiate with him, and thereby managed to win some important concessions. First, they forced the Franciscan Provincial to agree that new rules for the community would be written by a member of the secular clergy rather than the local Franciscan hierarchy. They also managed to gain a promise that Abbess Sauvage would work more closely with a council of elder nuns on financial matters.

But, as we know, in the end the Parlement did not render a decision on the nuns' case, choosing instead to send them back to the authority of the archbishop. With the Franciscan Provincial's authority now in question, the negotiated concessions were undermined. New rules, if they were ever written, were not enforced. Sauvage, her opponents said, had refused to relax her grip on financial authority. No settlement had taken hold, and when Gondrin arrived for his visitation, the pro-reform nuns were back where they started.<sup>25</sup>

With royal justice unavailable, the dispute took on new colors. To the delight of the pro-reform faction, Gondrin attempted to enforce the authority over the convent that the Parlement conferred on him. He wrote new rules for the community, sought to enforce enclosure and named a new confessor. He removed Sauvage as abbess and named Le Coq de Chauvigny as acting abbess until the next triennial. But his authority was too uncertain to settle the dispute. The male Franciscans appealed to Roman authorities of the order, and their supporters in the convent actively resisted Gondrin. They refused to participate in the Eucharist when performed by secular clergymen Gondrin had named and continued to recognize Sauvage as abbess. They even resorted to violence both symbolic—attacks on hosts consecrated by Gondrin's secular clergy—and real. Their sisters accused Franciscan loyalists of climbing into the bell towers and dropping loose masonry on their erstwhile sisters attending mass below. It was only by threatening them with excommunication and temporarily transferring them to other houses that Gondrin finally managed to subdue the opposition; but this settlement was also not to last. In late 1665 Roman authorities sided with the Franciscans against Gondrin, ordering a Franciscan-led reform of the convent. When the royal government accorded letters-patent to the designated Franciscan

reformer, Père Pinault, in 1666, the pro-reform faction saw its upper hand in the dispute begin to slip away. As the 1666 triennial approached, communal relations reached their nadir. The faction loyal to Gondrin and that siding with the Franciscans refused to vote together, and each elected a different candidate as abbess. The irregularity of the election was clear, but how could the sisters access royal justice? When Gondrin's partisans determined once again to file a lawsuit in royal courts, they made the decision to narrate the convent's woes in different terms than they had in past attempts. It was at this point that the nuns and their allies published the explosive *Factum* alleging male Franciscans' sexual and fiscal exploitation.<sup>26</sup>

### Gender, the State, and the Culture of Dispute

The case of the nuns of Mont-Sainte-Catherine-lès-Provins suggests that, like other early modern litigants, nuns sought the intervention of the legal system as one strategy among many to cope with the disputes that arose within their community. Even women "dead to the world," sought to access the royal courts to pursue redress for injustice and settlement of their grievances. Jurists and judges, for their part, expressed some ambivalence about hearing the disputes of ecclesiastics, fearing that revelations of disorder and corruption within convents and monasteries might be damaging to the public's piety. But nuns were as eager as other French men and women to protect their privileges and, when faced with ecclesiastical jurisdictions so ineffectual they proved unable to resolve internal disputes, they too took advantage of the limited legal opportunities available to them in the civil courts.

This public airing of ecclesiastical dirty laundry provided a disturbing picture for the pious and for those concerned with social order. The jurists assembled in the 1660s to advise Louis XIV on judicial reform, for example, complained that the *appel comme d'abus* gave rise to "scandalous trials that show scorn for the faith"; monks and nuns too easily manipulated the legal system to escape the obedience to their superiors that was incumbent upon them as a result of their vows.<sup>27</sup> By the seventeenth century, although the *appel comme d'abus* was recognized as a vital aspect of the French legal tradition, jurists wondered if there might need to be some limits set on the civil courts' role as arbiters of convent disputes. The publicity of trials had the consequence of making monks' and nuns' lapses a matter for gossip and humor all across Protestant Europe.<sup>28</sup> These men might have preferred for religion's sake to keep nuns' failures to meet the ideals of religious life as quiet as possible, but the expansion of state jurisdiction helped to ensure the public would hear. As historian Mita Choudhury has shown,

the eighteenth century witnessed many highly publicized trials involving nuns, *cause célèbres* that revealed bitter struggles for power inside the cloister and fueled increasing skepticism about the ideals of monasticism in Catholic France.<sup>29</sup>

While the nuns participated in a movement that drew them into closer proximity to the state and its judicial surveillance, the testimony of the women suggests that they may have recognized the dangers and personal costs of their choice to litigate. Although the women of Mont-Sainte-Catherine enlisted the services of the courts in their disputes, they hoped to limit the oversight of judges and male superiors in ways that would preserve some autonomy for the female community in which, as professed nuns, they had a lifelong stake. Savvy about their legal options, they were not naïve about the potential damage to their reputations that would result from being perceived as female rebels against their male superiors or quarrelsome women without true religious sentiment. These factors helped shape a culture of dispute in which their grievances and enmity were presented carefully and selectively with an eye both to legal strategy and personal reputation.

To highlight the contours of the gendered culture of dispute shaping the nuns' approach to litigation, we might compare the women at Mont-Sainte-Catherine with the female litigants in defamation cases in London's consistory courts studied by historian Laura Gowing. At one level, the nuns were very much like the middling-status women Gowing has studied, among whom "legal processes were understood to be part of the armoury of weapons for local and personal confrontations."<sup>30</sup> But in other ways, the nuns' situation was quite different. Gowing suggests that London's ecclesiastical courts became particularly important for women, who were more likely to be left out of the expanding culture of literacy and the opportunities to participate in forms of self-government that drew in their tradesmen husbands. Litigation provided a venue to negotiate neighborhood relationships among women, she argues, and "offered women a rare official, institutional weapon in the daily and occasional conflicts of their local lives."<sup>31</sup> Furthermore, litigation gave women an opportunity to tell their stories to an attentive audience, see their stories transferred into the authority of the official written word, and thereby "stake some specific claims to authority in the household and community."<sup>32</sup> In contrast, the women of Sainte-Catherine-lès-Provins lived in a self-governing community of women with its own institutions and mores. The rules and ideals of religious life—even when observed mostly in the breach, as at Mont-Sainte-Catherine—constituted a powerful, shared set of values that dictated a less wholehearted embrace of the courts and legal processes as a means to settle disputes than is the case among Gowing's middling-status lay women.



Dispute was considered especially problematic and threatening in the context of religious life. The original rule for Franciscan women, written by Saint Claire of Assisi in the thirteenth century, admonished nuns to eschew "detraction and murmuring, dissension, and division" and, like other monastic rules, provided institutions designed to forestall conflict within the community.<sup>33</sup> These included the power of the abbess to command the obedience of all the community's inhabitants, and the metaphor of family that was applied to the relations between the "sisters." More formal institutions of peacekeeping and reconciliation included the special disciplinary chapter meetings (*chapitres des coupes*) in which the nuns met to accuse themselves of offenses against the rule and to take necessary actions to resolve infractions.

Convents not only had institutions designed to resolve disputes within the walls, the character traits prescribed as ideal for a nun fit uneasily with the idea of "speaking out loud and at length" about one's grievances.<sup>34</sup> Monastic rules included the notion that in taking religious vows an individual renounced her will, embracing humility and suffering in order to foster unity and the common goal of salvation within the community. Sainte Claire advised her nuns "to love those who persecute, blame, and accuse us" in the example of Jesus.<sup>35</sup> The capacity to patiently bear injustice, especially within the walls, was a means to personal sanctification.

The perceived importance of internal unity was such that in the aftermath of Saint-Catherine's legal battle, when the archbishop of Sens endeavored to write new regulations for the community in 1669, creating peace or at least a simulacrum of it became his first priority. He commanded the nuns to eat together and to return to the "holy tradition" of the chapter meetings. Six years after urging them to tell him everything about internal dissension he issued the opposite directive: "Above all," he wrote, "they should take care neither to speak of nor discuss all the things that have happened in the house in recent times, which can serve only to trouble the peace and unity which must reign between the sisters."<sup>36</sup> The prescriptive message was clear: dispute within the community of women was illegitimate, a failure to reach the ideals of religious life.

These values persisted in the community at Mont-Sainte-Catherine even when it was riven by faction. The failure and eventual abandonment of its institutions of peacekeeping and dispute resolution were clearly a factor in pushing its inhabitants toward the courts. Yet, even so, there is evidence that the women of Sainte-Catherine internalized the prescriptive message that dispute was illegitimate, meant to be borne silently and hidden from view.

For example, the nuns did initially resist publicizing their disputes. The best evidence of this is, unexpectedly, the archbishop of Sens' visitation record of 1664, a document that provides most of our extrajudicial evidence of what troubled the community in the era of its litigation. Admittedly, those nuns who hoped the archbishop would take the convent in hand and heal its troubles proved especially voluble in response to his questions. They poured forth well-rehearsed memories of the words and actions of their adversaries that sometimes dated back more than twenty-five years and referred to people long dead. These nuns considered their storytelling something like a confession to their priest, an act that would move their community towards reconciliation. Loyalists to the prevailing Franciscan order were predictably less cooperative with the archbishop's investigation, often claiming that they knew nothing. When pressed, they sometimes justified their reticence by citing their duty to eschew dissension and seek peace within the community. The archbishop's scribe recorded, for example, that Anne Paillot responded to a reminder that it was her duty to discuss the community's problems in the following fashion: "said that she has not applied herself to understanding it and is not obligated to defame (*scandaliser*) anyone."<sup>37</sup> Elizabeth Minguet responded by saying "that there are so many disorders in the convent that she would very much like permission to leave without wanting to give us more details about it."<sup>38</sup> Ideals about unity might be invoked in contradictory ways to justify the nuns' responses to questions about their disputes; nevertheless the ideal persisted.

But the most telling sign that the ideal of unity persisted was that all the nuns at Sainte-Catherine, regardless of their allegiances in the reform dispute, did agree on one thing: during the visitation of 1664, when asked by the archbishop to sign their signatures to the record of what they said, every single woman refused. As Abbess Suzanne Sauvage explained, conversations with nuns during the visitations were only to be written down as notes. After superiors wrote new regulations to address the community's problems, the women at Sainte-Catherine expected the notes of the interviews to be burned.<sup>39</sup> In refusing their signatures to the archbishop's record, the women referred collectively back to the ideal of communal accord that they assumed to be the purpose of the visitation. They distinguished the archbishop's intervention in their conflict from a legal process that involved the creation of a public, permanent record of their dispute.

The appearance of the published trial brief, the *Factum pour les religieuses de Sainte-Catherine-lès-Provins* demonstrates that four years later many of the pro-reform nuns had lost any hope that the conflict could be resolved without recourse to the law. The *Factum* drew verbatim from the stories the nuns had told the archbishop during his visitation in September 1664,

a document that had not been burned as the nuns had expected. Indeed, the publication of the *Factum* suggests the pro-reform nuns now sought publicity, a fact best explained by the dangerously hostile turn the dispute had taken and the likelihood that Gondrin's reforms would be undone if Franciscans assumed spiritual authority over the convent once again. The decision of the nuns to publish highly compromising information about their community and about their sisters' sexual honor would seem to signal the abandonment of any ideal of communal religious life. And yet, elements of the *Factum* also signal the nuns' ambivalence about the publicity attached to the legal process and the shame of exposing their disputes to the public.

While it offered up page after page of shocking stories about relationships between nuns and male Franciscans, the *Factum* elided mention of the disputes that had divided the women for decades. Rather than telling a story about women who could not get along with one another, a legal complaint that had failed to secure the Parlement's intervention in 1663, the *Factum* presented the community at Sainte-Catherine as united in its victimization by their debauched Franciscan superiors.

The authorship of the *factum* was much debated in the months that followed its appearance, but there is every reason to believe that the pro-reform faction helped assure its publication. The seventeen anti-Franciscan nuns even issued a notarial statement avowing that the document spoke for them.<sup>40</sup> Their decision to depict the convent's troubles as deriving principally from the sexual misconduct of male Franciscans was, first and foremost, a conscious legal strategy designed to motivate the intervention of royal justice. But its reticence about the women's dispute with their sisters is also significant. We might also note that when they cast nuns' lapses against their vows of celibacy as the result of the corruption introduced by male superiors, the nuns displaced blame that might have fallen to their sisters for participating in these illicit relationships, many of which appear to have been consensual. The *Factum* thus elided the details of a generation-long, intractable dispute within the religious community. Instead, it constructed the convent's suffering as a result of the injustices others did to them rather than the cruelties that the women inflicted on one another in their quest to negotiate the terms of their collective life.

The sensational *Factum* was instrumental in ending the legal limbo in which the nuns of Sainte-Catherine found themselves. Parlement and royal government both took notice, and by 1669, the Franciscans were gone. Archbishop Gondrin used his authority to build a tenuous peace among the sisters. His mode of dispute settlement was authoritarian: his new regulations ordered the nuns at least to remain silent on, if they could not forget the troubles of the past. But hints of continuing dispute emerge

from ecclesiastical records even after the archbishop's victory.<sup>41</sup> The conflict over jurisdiction was resolved in his favor, but the nuns continued to fight among themselves. And while the notoriety gained by the shocking *Factum* helped one faction of the nuns gain decisive advantage in their dispute over reform, their victory came at a cost. The king used the disorders revealed in the case to justify his decision to cancel the triennial, and to name an abbess for the convent. Sainte-Catherine thus found itself drawn into a long-term evolution whereby the French state sought to gain firmer control of France's religious institutions and, in particular, women's houses.<sup>42</sup>

Examining how disputes like that troubling the convent of Sainte-Catherine-les-Provins gave rise to litigation offers important clues about how religious women played an active role in the expansion of royal justice and of state power in the early modern era. This incident suggests that judicial intervention in the convent, like reform itself, was not merely *imposed* on women but invited by them. To borrow the terminology of Daniel Lord Smail, the nuns of Mont-Sainte-Catherine "invested" in the growing judicial oversight of female religious by the civil courts.<sup>43</sup> This investment was compelled, it would seem, largely because of the fading authority of the ecclesiastical jurisdictions that would, prior to the seventeenth century, have provided arbitration for the nuns' disputes. And it took place against the backdrop of convent reform, which was embraced by many women, but not equally or in the same ways by all. The zeal of the reform age gave new urgency to questions about convent governance and fueled disputes that were hard fought precisely because they were ultimately about sacred things.

Both their ecclesiastical status and their sex shaped the nuns' fierce negotiations over the terms under which they would collectively live and seek salvation. Nuns, like their monastic brothers, had a regular, if limited access to litigation, and, like other early modern litigants, made use of lawsuits as one tactic among many to seek settlement of their disputes. But litigation fit uneasily with the monastic ideal of communal unity, patient suffering, submission, and self-sacrifice—qualities that were particularly urged upon religious women. When combined, these legal limitations and gendered norms of behavior helped shape a culture of disputing that, in this case, molded women's disagreements among themselves into a story about their wholesale and disempowering victimization by men. In "renouncing themselves" the nuns had not lost all access to legal redress, but these adult, self-governing women were forced to present themselves as weak and dependent in order to achieve their momentary legal aims. The oppression lay less in their exclusion from the courts, than in the stories they were forced to tell to get anyone to listen.

## NOTES

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<sup>1</sup>Jean-Baptiste Thiers, *Traité de la clôture des religieuses* (Paris: Chez Antoine Dezallier, 1681), 189–93. Thiers is most famous for his monumental multi-volume *Traité des superstitions* (Paris: Chez Antoine Dezallier, 1697–1704) but authored some thirty-two polemical works over the course of his career. See Paul Scott, “Vested Struggles: The Social and Ecclesiological Significance of Stoles in Seventeenth-Century France,” *Church History* 77, no. 1 (2008): 54–72.

<sup>2</sup>Zoë A. Schneider’s work on early modern Normandy—a region famed for the harsh misogyny of its customary laws—established that women constituted nearly 25 percent of the litigants in its local courts, that over 97 percent of women’s actions were civil in nature, and that women’s presence as litigants matches very closely the rates of their property ownership. See “Women Before the Bench: Female Litigants in Early Modern Normandy,” *French Historical Studies* 23, no. 1 (2000): 1–32. Tim Stretton has documented that within the equity jurisdiction of England’s Chancery court, women appeared as litigants in about one-third of the cases; see *Women Waging Law in Elizabethan England* (Cambridge: Cambridge University Press, 1998). In London’s commissary courts for 1512–1513, women brought 57 percent of cases, and in the London consistory courts their suits accounted for 31 percent of business in 1590 and 54 percent in 1633. See Laura Gowing, *Domestic Dangers: Women, Words and Sex in Early Modern London* (Oxford: Clarendon Press, 1996), 35. Christopher W. Brooks’s work on the *longue durée* story of litigation in England estimates that even if female litigants account for only 5–13 percent of all users of the central common law courts, in terms of the accessibility of legal systems to women, early modern women were better served than their twentieth-century counterparts. See *Lawyers, Litigation and English Society since 1450* (London: Hambledon Press, 1998), 74–75, 111. For Spain, Richard L. Kagan’s study of the tribunal of the *fiel del juzgado*, a court of first instance, showed that at least 20 percent of the court’s business was litigation of widows, although he does not quantify the volume of cases brought by women as a group. See “A Golden Age of Litigation: Castile 1500–1700,” in *Disputes and Settlements: Law and Human Relations in the West*, ed. John Bossy (Cambridge: Cambridge University Press, 1983), 154.

<sup>3</sup>See the conclusions of Stretton, *Women Waging Law*, 226.

<sup>4</sup>Kagan cites the statistic that at Valladolid’s *chancillería*, the ratio of unfinished suits to finished was 15:1. Kagan, “A Golden Age of Litigation,” 154. Gowing’s study of London’s ecclesiastical courts notes that the vast majority of cases vanish from the records before a sentence was reached. Gowing, *Domestic Dangers*, 39.

<sup>5</sup>In addition to the works by Kagan and Gowing cited above, see Richard Kagan, *Lawsuits and Litigants in Castile 1500–1700* (Chapel Hill: University of North Carolina Press, 1981) and Daniel Lord Smail, *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille 1264–1423* (Ithaca, NY: Cornell University Press, 2003).

<sup>6</sup>[Alexandre Varet?] *Factum pour les religieuses de Sainte-Catherine-lès-Provins contre les Peres Cordeliers* (n.p., n.d.). The work appears in the Bibliothèque Nationale's catalogue in several different editions. Historians of France have recently devoted considerable attention to the role of widely circulated and uncensored *factums* (called *mémoires judiciaires* in the eighteenth century) in the evolution of a public sphere in which legal norms, including those structuring gender relationships, might be debated. See especially Sarah Hanley, "Social Sites of Political Practice in France: Lawsuits, Civil Rights, and the Separation of Powers in Domestic and State Government," *American Historical Review* 102, no. 1 (1997): 27–52 and Sarah C. Maza, *Private Lives and Public Affairs: The Cause Célèbres of Pre-Revolutionary France* (Berkeley: University of California Press, 1993). For an investigation of the role of gender in laywomen's *mémoires judiciaires*, see Nadine Béranguier, "'Fiction dans les archives': adultère et stratégies de défense dans deux mémoires judiciaires du dix-huitième siècle," *Studies on Voltaire and the Eighteenth Century* 308 (1993): 257–79.

<sup>7</sup>On *rapt de séduction* see Sarah Hanley, "Engendering the State: Family Formation and State Building in Early Modern France," *French Historical Studies* 16, no. 1 (1989): 4–27, esp. 9–11.

<sup>8</sup>*Factum*, 211.

<sup>9</sup>"Auditions secretes et par forme de scrutin receues par nous Louis Henry de Gondrin Archevesque de Sens Primat de Gaules et de Germanie de la Dame Abbesse et Religieuses du Monastere de Sainte Catherine les Provinz de l'ordre de Sainte Claire de notre Diocese" (September 1664), hereafter AS, Archives Departementales de L'Yonne G. 193, Auxerre, France. The document is unpaginated, and arranged by the testimony of individual nuns in order of seniority, lay sisters last. All translations in this article are my own. For an explanation of the process of ecclesiastical visitations, see Craig Harline and Eddy Put, "A Bishop in the Cloisters: The Visitations of Matthias Hovius (Malines, 1596–1620)," *Sixteenth Century Journal* 22, no. 4 (1991): 611–39.

<sup>10</sup>AS, Suzanne Gaultier.

<sup>11</sup>AS, Genevieve Langlois.

<sup>12</sup>In France, jurists and the monarchy were anxious to protect the Gallican church's notional independence and therefore did not instantly accept all of Trent's canons. As a result, the question of whether religious women of all orders fell under the jurisdiction of local bishops remained undecided until the royal government accepted this principle in 1695. See Mita Choudhury, *Convents and Nuns in Eighteenth-Century French Politics and Culture* (Ithaca, NY: Cornell University Press, 2004), 32.

<sup>13</sup>On the reasons why many nuns embraced enclosure, see Barbara Diefendorf, *From Penitence to Charity: Pious Women and the Catholic Reformation in Paris* (Oxford: Oxford University Press, 2004) and Ulrike Strasser, *State of Virginity: Gender, Religion and Politics in an Early Modern Catholic State* (Ann Arbor: University of Michigan Press, 2004), esp. 119–48.

<sup>14</sup>René Pillorget, "Réforme monastique et conflits de rupture dans quelques localités de la France méridionale au XVIIe siècle," *Revue Historique* (1975): 77–106.



For more on reform in France and its conflicts, see Elizabeth Rapley, *A Social History of the Cloister: Daily Life in the Teaching Monasteries of the Old Regime* (Montreal and Kingston: McGill-Queen's University Press, 2001), esp. chap. 3, "The Dilemmas of Obedience," 49–63. For similar struggles in other European states, see Jodi Bilinkoff, *The Avila of Saint Teresa: Religious Reform in a Sixteenth Century City* (Ithaca, NY: Cornell University Press, 1989); K. J. P. Lowe, *Nuns Chronicles and Convent Culture in Counter-Reformation Italy* (Cambridge: Cambridge University Press, 2003), 190–204; and Strasser, *State of Virginity*. Even before Trent (in 1521) the Venetian government invented a new magistrature specifically to regulate convent life, the *Provveditori sopra I Monasteri di Monache*, and incorporated monastic reform into its process of state formation. See Jutta Gisela Sperling, *Convents and the Body Politic in Late Renaissance Venice* (Chicago: University of Chicago Press, 1999) and Mary Lavens, *Virgins of Venice: Broken Vows and Cloistered Lives in the Renaissance Convent* (New York: Viking, 2002).

<sup>15</sup>AS, Gaultier.

<sup>16</sup>AS, Chaumont.

<sup>17</sup>AS, Genevieve Langlois, Suzanne Gaultier, Anthoinette Flogny, Elizabeth D'Arzilliers, Anne Langlois.

<sup>18</sup>On eating together as a sign of reconciliation, see J.A. Sharpe, "'Such Dis-agreement betwyx Neighbours': Litigation and Human Relations in Early Modern England," in Bossy, *Disputes and Settlements*, 167–87.

<sup>19</sup>The scribe recorded her comment as "le refectoire est cantonné." AS, Anne Langlois.

<sup>20</sup>AS, Genevieve Langlois, Suzanne Sauvage.

<sup>21</sup>Marcel Marion, *Dictionnaire des institutions de la France au XVII<sup>e</sup> et XVIII<sup>e</sup> siècles*, (Paris: Editions Picard, 1969), 387; Philippe Sueur, *Histoire du droit public français, XVe–XVIII<sup>e</sup> siècle* (Paris: Presses Universitaires Françaises, 1989), 2: 413.

<sup>22</sup>AS, Anthoinette Flogny. The Dictionary of the Academy Française published in 1694 notes that the verb *interjetter* was used only for the legal process of appeal, and notes specialized legal meaning for *saisir*: "Saisir un tribunal, une jurisdiction d'une affaire, pour dire, Y faire des procédures qui y retiennent la connoissance de l'affaire." *Dictionnaire de l'Academie Française* (1694) s.v. "interjetter" and "saisir."

<sup>23</sup>See Rapley, *Social History of the Cloister*, 60.

<sup>24</sup>"gens de sac et de corde, ames de soulfre et salpêtre," AS, Marguerite le Coq de Chavigny.

<sup>25</sup>Ibid.

<sup>26</sup>Georges Dubois traced the convent's troubles during these years in *Henry de Pardaillan de Gondrin, archevêque de Sens, 1646–1674* (Alençon: Imprimerie Veuve F. Guy et Compagnie, 1902), 448–83.

<sup>27</sup>Legal reform memorandum by (first name unknown) Gobelin, Collection Clairambault Volume 613: 154vo, Bibliothèque Nationale, Paris, France. See also memoranda by François de Verthamont, Alexandre de Seve, and Jean de Gomont in the same volume.

<sup>28</sup>The *juicier* sections of the *Factum pour les religieuses de Saint-Catherine* were translated into English and published as *The nuns complaint against the fryers, being the charges given into the court of France by the nuns of Saint Katherine near Provins* (London, 1676).

<sup>29</sup>On the political and cultural significance of these high-profile trials, see Choudhury, *Convents and Nuns*.

<sup>30</sup>Gowing, "Language, Power and the Law," 42.

<sup>31</sup>*Ibid.*

<sup>32</sup>*Ibid.*, 42–43.

<sup>33</sup>The Rule of Saint Claire, [http://san-francesco.org/santachiara/regola\\_eng.html](http://san-francesco.org/santachiara/regola_eng.html).

<sup>34</sup>Gowing, "Language, Power, and the Law," 43.

<sup>35</sup>Rule of Saint Claire, [http://san-francesco.org/santachiara/regola\\_eng.html](http://san-francesco.org/santachiara/regola_eng.html). For similar ethic applied in the reform process, see Bilinkoff, *The Avila of Saint Teresa*, 123–37.

<sup>36</sup>"Ordonnance et Reglements pour le Monastere de Ste. Catherine les Provins faits par Monseigneur l'Archevesque de Sens en sa visite du mois de Juin en l'annee 1669," Archives Departementales de l'Yonne G. 193.

<sup>37</sup>AS, Anne Paillot.

<sup>38</sup>"a dit qu'il y a tant de desordres dans la maison qu'elle demanderoit volontiers d'en sortir sans nous en vouloir particulariser davantage." AS, Elizabeth Minguet.

<sup>39</sup>AS, Suzanne Sauvage.

<sup>40</sup>For more on the contested authorship of the *factum*, see Leslie Tuttle, "Factum or Fiction? Convent Scandal, Cloister and Publicity in the Era of Louis XIV," in "The Cloister and the World: Early Modern Convent Voices," ed. Thomas M. Carr Jr., *EMF: Studies in Early Modern France* 11 (2007): 130–54.

<sup>41</sup>The bound copy of relevant legal decisions, petitions, etc. is preserved in Archives Departementales de l'Yonne G. 193. For continuing problems in the convent, see Dubois, *Henry de Pardaillan de Gondrin*, esp. 484–86.

<sup>42</sup>On the French royal government's interactions with women's religious houses during this period, see Choudhury, *Convents and Nuns*; Daniella J. Kostroun, "Undermining Authority in Absolutist France: The Case of the Port-Royal

Nuns, 1609–1709,” (PhD diss., Duke University, 2000); Rapley, *Social History of the Cloister*.

<sup>43</sup>Daniel Lord Smails, *The Consumption of Justice: Emotions, Publicity and Legal Culture in Marseilles, 1264–1423* (Ithaca, NY: Cornell University Press, 2003).